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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DOUGLAS M. SHORTRIDGE, *pro se*
Plaintiff,
v.
ADP, LLC; ADP, INC.; AUTOMATIC
DATA PROCESSING, INC. and
INTEGRATED DESIGN, INC.,
Defendants.

Case No. 3:14-cv-04413-JCS

JURY TRIAL DEMANDED

Magistrate Judge Joseph C. Spero

DOUGLAS M. SHORTRIDGE, *pro se*
Plaintiff,
v.
FOUNDATION CONSTRUCTION
PAYROLL SERVICE, LLC; FOUNDATION
SOFTWARE, INC.; AND ASSOCIATED
BUILDERS AND CONTRACTORS, INC.,
Defendants.

Case No. 3:14-cv-04850-JCS

JURY TRIAL DEMANDED

**NOTICE OF PROPOSED CASE
SCHEDULE**

NOTICE OF PROPOSED CASE SCHEDULE

Pursuant to the Court's Minute Order, (Dkt. No. 58 in *Shortridge v. Foundation Construction Payroll Serv., LLC*, No. 3:14-cv-04850-JCS ("*Foundation*")), counsel for Defendants Automatic Data Processing, Inc., ADP, LLC, and Integrated Design, Inc. ("ADP Defendants") conferred with counsel for defendants in the *Foundation* case (collectively "Defendants") to develop an amended case schedule for hearing on the "Alice" motions and for the preparation and service of Defendants' invalidity contentions. The Defendants hereby propose the Amended Case Schedule attached hereto as Exhibit A.¹

Defendants' proposal attempts to accommodate the stay of the cases pending the Court's decision on the "Alice" motions as well as the general framework for claim construction proceedings set forth in the Patent Local Rules. While duly mindful of the Court's clear intention to maintain the *Markman* hearing and briefing dates, upon closer examination it became clear that there simply is not enough "play in the joints" of the existing schedule to do so after the "Alice" motion briefing and hearing. As a result, Defendants respectfully propose that the existing claim construction briefing schedule be extended by approximately six weeks to conclude with Plaintiff's Reply Claim Construction Brief on September 11, 2015, and that the August 28, 2015 *Markman* hearing date be postponed a comparable amount of time to a date convenient for the Court.²

In addition, Defendants respectfully propose an April 3, 2015 hearing date for the "Alice" motions in both cases, to align with ADP Defendants' noticed hearing date of April 3, 2015. (Dkt. No. 48.) If the Court's decision on the "Alice" motions does not fully resolve these cases, then after the stay is lifted following the Court's decision, Defendants respectfully request

¹ Counsel for Defendants made several attempts, but were unable, to engage Plaintiff Douglas M. Shortridge ("Mr. Shortridge") in substantive discussion regarding this proposal. Accordingly, Mr. Shortridge's position has not been incorporated into this submission.

² The August 28 *Markman* hearing date also presents a conflict for lead counsel for the ADP Defendants, William McCabe, as his brother's wedding is scheduled to take place on August 29 in eastern Canada. Mr. McCabe was made aware of the wedding date subsequent to the January 16, 2015 Case Management Conference when the Court set the *Markman* hearing date.

1 a minimum of 30 days to prepare invalidity contentions, such that Defendants are not required
2 to invest the resources necessary to prepare invalidity contentions prior to the Court's decision
3 on the "Alice" motions. Indeed, if the claim construction deadlines are not also modified, claim
4 construction briefing will commence prior to Defendants' service of invalidity contentions.
5 Plaintiff, Mr. Shortridge, would himself benefit from having Defendants' invalidity contentions
6 prior to identifying claim terms for construction, with a current deadline of April 13, 2015, only
7 ten days after the proposed hearing date for the "Alice" motions. (Dkt. Nos. 47, 48; *Foundation*
8 Dkt. No. 56.)

9 Because the existing schedule allocates less than four months from the hearing date on
10 the "Alice" motions to the completion of claim construction briefing, the current schedule offers
11 little flexibility to accommodate both Defendants' preparation of invalidity contentions and the
12 parties' exchange of claim construction submissions. Defendants' proposal contemplates a
13 minimum of 30 days for the Court to rule on the "Alice" motions, and allows an additional 30
14 days for service of invalidity contentions if necessary thereafter. Defendants keyed the claim
15 construction dates off the date for service of invalidity contentions and attempted to compress
16 the Patent Local Rule deadlines where possible, in keeping with the spirit of what Defendants
17 understand is the Court's desire to maintain an efficient progression towards the *Markman*
18 hearing in the event that these cases are not fully resolved by Defendants' pending "Alice"
19 motions.

20 For these reasons, Defendants respectfully request that the Court enter the schedule
21 attached hereto as Exhibit A in both of the above-captioned cases.
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Dated: February 26, 2015

Respectfully submitted,

By: /s/ William J. McCabe

By: /s/ Daniel J. McMullen

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